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Attorney for Plaintiffs WILLIAM G. STEWART AND NANCY STEWART

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

WILLIAM G. STEWART AND NANCY
STEWART,

Plaintiffs

vs.

BAC HOME LOANS SERVICING, LP

Defendant.

) Case No.: 10-01225SI

) **STIPULATION AND [PROPOSED]**
) **ORDER MODIFYING SECOND**
) **PRETRIAL PREPARATION ORDER**

WHEREAS, on June 29, 2011, the Court issued the Second Pretrial Preparation Order which set forth certain dates and deadlines, as indicated below;

WHEREAS, the parties, by mutual agreement, wish to extend certain of those dates and deadlines. For ease of comparison, the dates/deadlines which the parties request be adopted are indicated in parentheses following the dates/deadlines currently in effect;

STIPULATION AND [PROPOSED] ORDER
MODIFYING SECOND PRETRIAL PREPARATION ORDER

DISCOVERY PLAN: Per F.R.Civ.P and Local Rules, subject to any provisions below.

NON-EXPERT DISCOVERY CUTOFF is February 24, 2012 (March 16, 2012)

DESIGNATION OF EXPERTS: 11/23/11 (1/11/2012) REBUTTAL; 12/19/11 (1/25/12)
Parties SHALL conform to Rule 26(a)(2)

EXPERT DISCOVERY CUTOFF IS February 24, 2012 (March 16, 2012)

DISPOSITIVE MOTIONS **SHALL** be filed by March 30, 2012 (April ~~13~~⁶, 2012);

Opp. Due April 13, 2012 (Per Local Rules-no later than April ~~27~~²⁰, 2012); Reply Due
April 20, 2012 (per Local Rules-no later than ~~May 4~~^{April 27}, 2012);

and set for hearing no later than May 4, 2012 at 9:00 a.m (May 18, 2012 at 9:00 a.m.).

PRETRIAL CONFERENCE DATE: June 5, 2012 at 8:30 a.m.

JURY TRIAL DATE: June 18, 2012 at 8:30 a.m.
Courtroom 10, 19th floor

SPECIAL DISCOVERY AND PRETRIAL PROVISIONS:

The deadline to amend the pleadings is July 29, 2011.

The Court adjusted the trial schedule as indicated above.

This case shall be referred to a magistrate-judge for settlement purposes. The settlement conference shall occur in December 2011 (February 2012).

The pretrial conference **SHALL** be attended by trial counsel prepared to discuss all aspects of the case, including settlement. Parties **SHALL** conform to the attached instructions. Plaintiff is **ORDERED** to serve a copy of this order on any party subsequently joined in this action.

WHEREAS, the parties agree that the above-described modification of the scheduling order will facilitate completion of discovery necessary to prepare for the Settlement Conference;

WHEREAS, plaintiff's counsel William E. Kennedy has confirmed with the Hon. Joseph C. Spero's staff that Judge Spero is available February 15, 2012 for a Settlement Conference and has reserved that date, and all parties have affirmed their availability to attend the Settlement Conference on that date;

SO STIPULATED

Dated: November 1, 2011

LAW OFFICE OF WILLIAM E. KENNEDY
HUMPHREYS WALLACE HUMPHREYS P.C.

By: /s/
William E. Kennedy
Attorneys for Plaintiffs WILLIAM G. STEWART and

NANCY STEWART

Dated: November 1, 2011

REED SMITH LLP

By:

/s/_____
David S. Reidy
Attorneys for Defendant BAC Home Loans LP

Dated: October 26, 2011

KING & SPALDING LLP

By: /s/_____
Ann K. Broussard
Attorneys for Defendant EQUIFAX INFORMATION
SERVICES LLC

Dated: October 26, 2011

JONES DAY

By: /s/_____
Jason C. Wright
Attorneys for Defendant EXPERIAN INFORMATION
SOLUTIONS

Dated: October 26, 2011

SCHUCKIT & ASSOCIATES

BY: /s/_____
Karen Butler Reisinger
ATTORNEYS FOR DEFENDANT TRANS UNION LLC

ATTESTATION PURSUANT TO GENERAL ORDER 45

William E. Kennedy, attest that concurrence in the filing of this document has been
obtained from the other signatories.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 1, 2011 at Santa Clara, California.

Dated: November 1, 2011

LAW OFFICE OF WILLIAM E. KENNEDY

By:

/s/_____
William E. Kennedy
Attorneys for Plaintiffs WILLIAM G. STEWART and
NANCY STEWART

STIPULATION AND [PROPOSED] ORDER
MODIFYING SECOND PRETRIAL PREPARATION ORDER

ORDER

Pursuant to stipulation, the Second Pretrial Order is amended as follows:

DISCOVERY PLAN: Per F.R.Civ.P and Local Rules, subject to any provisions below.

NON-EXPERT DISCOVERY CUTOFF is March 16, 2012

DESIGNATION OF EXPERTS: 1/11/12 REBUTTAL; 1/25/12
Parties SHALL conform to Rule 26(a)(2)

EXPERT DISCOVERY CUTOFF IS March 16, 2012

DISPOSITIVE MOTIONS **SHALL** be filed by April ~~15~~⁶, 2012 and be set for hearing no later than May ~~18~~¹¹, 2012 at 9:00 a.m. The schedule for the briefing and hearing the Motion shall be per the Local Rules. For example, if the Motion is filed on the last possible day, the Opposition will be due April ~~27~~²⁰, 2012, the Reply will be due ~~May 4~~^{April 27}, 2012; and the Motion shall be set for hearing on May 18, 2012 at 9:00 a.m.

PRETRIAL CONFERENCE DATE: June 5, 2012 at 8:30 a.m.

JURY TRIAL DATE: June 18, 2012 at 8:30 a.m.
Courtroom 10, 19th floor

SPECIAL DISCOVERY AND PRETRIAL PROVISIONS:

The deadline to amend the pleadings is July 29, 2011.

The Court adjusted the trial schedule as indicated above.

This case shall be referred to a magistrate-judge for settlement purposes. The settlement conference shall occur in February 2012.

The pretrial conference **SHALL** be attended by trial counsel prepared to discuss all aspects of the case, including settlement. Parties **SHALL** conform to the attached instructions. Plaintiff is **ORDERED** to serve a copy of this order on any party subsequently joined in this action.

SO ORDERED As
Amended

Date: 11/2/11



Hon. Susan Illston
United States District Court